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Comment Description **WATER RIGHT G4-35608**



REF DOC NR	REF DOC SFX	INV NR	ID NR	SUB ID NR	T C	R	FUND	MAJ GRP	MAG SRC	SUB SRC	CNTY	WORK CLS	PIC	AI	ORG	PRJ	SUB PRJ	PRJ PHS	SUB OBJ	SUB SUB OBJ	VAR GL	SUB DR	SID CR	SUB SID	ALLOC AMT
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Department of Ecology

OCT 08 2013

Water Resources Program

**WATER BUDGET NEUTRALITY (WBN)
REVIEW ROUTER**

- ☒ WBN DETERMINATION Letter ☐ WBN REPORT OF EXAMINATION
☐ WBN REJECT & RETURN Letter ☐ WBN DENIAL Letter
☐ AMENDED: _____ ☒ EXCHANGE CONTRACT Assignment
☐ Other: _____

File No.: 64-35608
Author/Date: Kurt Walker 7-30-13
SharePoint: >Water Right Documents> _____

Dates drafted/edited (Admin): _____

GWIS mapping review (review changes BEFORE final)
GWIS initials/date: _____
GWIS remarks & edits (if more room is needed use back of page): _____

Sage Park
Operations Sup. (Initial/Date indicate DRAFT ROE is ready to post)

Stuart Luttrell
Technical Sup. (Initial/Date indicate DRAFT ROE is ready to post)

Mark Kemner Section Mgr
(Initial/Date) Indicates DRAFT ROE is ready to post

Email pdf to Chris Anderson, HQ to Post to Net: _____
(posted for 2 weeks)

Sage Park
Operations Sup (Initial/Date FINAL ROE is ready for Posting/Mailing)

Stuart Luttrell ML 7/31/13
Technical Sup (Initial/Date FINAL ROE is ready for Posting/Mailing)

Mark Kemner Section Mgr ML 7/31/13
(Initial/Date) FINAL ROE is ready for Posting/Mailing

~~Email pdf to Chris Anderson, HQ to Post to Net:~~ CRO/Adm N 7/31/1388
(posted for 60 days)

Date Doc mailed: 7/31/1388
(Admn initial/date when doc is finalized & mailed)

☐ Exchange Contract reviewed by: ML
(Section Manager Initial/Date); Admin: Send to USBR

WRIA: 37 ☐ COUNTY: Benton ☐
38 ☐ Yakima ☐
39 ☒ Kittitas ☒

Remarks, Special Instructions, Related Files:

Please use Back of Page.

CC's (Check application signatures): _____ If Certified check box

_____ ☐
_____ ☐
_____ ☐
_____ ☐
☒ Trust Water Right Debited: ML 7-30-13
Permit Writer (Initial and Date)
☒ USBR-Ecology Contract Debited: ML 7-30-13
Permit Writer (Initial and Date)

cc's & protestants (more room on back of page)

- ☒ Yakama Nation ☐ Suncadia, LLC
☐ Joe Mentor, Jr. (email: mentor@mentorlaw.com)
☐ Jessica Kuchan (email: kuchan@mentorlaw.com)
☐ SwiftWater (email: gleasonproperties@comcast.com)
☒ Roth-Clennon (email: teroth@earthlink.net)
☐ Masterson (email: kmasterson@inlandwireless.com)
☐ James Rivard, Kittitas Co. Health Dept. (1-9 Connections)
(email: environmentalhealth@co.kittitas.wa.us)
☐ WA State DOH, Heather Cannon (more than 9 Connections)
(email: heather.cannon@doh.wa.gov)

Other: _____

Attachments:

- ☒ Your Right to Be Heard
☐ PTO appeal? No Your Right to Be Heard
☒ Water Measurement Requirements & Form 1
☐ Focus on Water Right Relinquishment (98-1812-WR)
☒ Advisory Letter (White)
☐ METHANE Advisory Letter (Blue)
☐ Other: _____

Comments/Notes may be made on back of page.

Water Bank: Clemon

GREEN

SENE

TRS: T20R14535

Applicant name: JABRIDAN LLC WBN WRTS No. 64-35608

Checklist for Reviewing Requests for Determination of Water Budget Neutrality (RDWBN)

- I. Does the rule apply?
- ☒ Is the well within the mapped Upper Kittitas area? X yes ____ no
 - ☒ Is proposed use either domestic, group domestic, lawn or noncommercial garden, municipal, stock watering, or industrial? (Circle all that apply)
- II. Does the total proposed water use and purpose(s) fall under the limits of the groundwater permit exemption?
- ☒ Is this a group or non group use? (Circle one)
 - ☒ If group use, number of parcels 1 of 3 (total # parcels in group)
 - ☒ Does the owner have interest in any proximate parcel? X yes ____ no
 - ☒ Does the owner have significant, voluntary joint activity and cooperation with the owner of a proximate parcel? X yes ____ no
 - ☒ Exempt? X yes ____ no
 - ☒ Require Permit? (Check parcel map, County website, Well logs, SEPA documents, etc, as appropriate) ____ yes X no
- III. Is the necessary information provided in RDWBN per WAC 173-539A-050(2)
- ☒ Mitigation trust water rights identified? X yes ____ no, TWR No. CS4-01676565d103
 - ☒ Site map provided? X yes ____ no
 - ☒ Area to be irrigated provided: 0.11 acres
 - ☒ Soil Report provided (if needed) ____ yes ____ no X n/a
 - ☒ Provided signed covenant restricting trees/shrubs over drain field OR Sewer Utility agreement? (Circle one)
For parcel number: 675934 (675934, 725934, 665934)
 - ☒ Is the Request signed? X yes ____ no
 - ☒ GW mitigation agreement provided: X yes ____ no
 - ☐ Other necessary information missing: _____
- Group Use Reviewer: CG Date 4-30-13
- IV. Executed agreement to designate a portion of a TWR provided and signed?
- V. Is the TWR proposed for mitigation suitable for the applicant's proposal?
- ☐ Proposal complies with applicable TWR agreement ✓ yes ____ no
 - ☐ What is the suitability area for the subject Trust Water Right: green, red, or yellow? _____
 - ☐ Is a USBR contract assignment required? ✓ yes ____ no
 - ☐ If yellow and a contract assignment is required, complete the ESA Consultation protocol and take to WTWG. Determine suitability based on HG analysis (check for related HG analysis and contact appropriate HG). If appropriate, fill out "Yellow Area Acquisition, Exchange and Storage Process" letter to send to USBR.
 - ☐ If green and a contract assignment is required, fill out "Green Area Acquisition, Exchange and Storage Process" letter to send to USBR. WTWG already discussed green area Suncadia mitigation projects on March 8, 2010, so if this uses Lamb and Anderson mitigation, does not need to go to WTWG again.
 - ☐ If other TWR provided by the applicant, is there any potential impact to surface water system upstream of the original TWR POD? If so, USBR contract assignment is required and needs to go to WTWG.
- VI. Is the consumptive use as a result of the total proposed use equal to or less than the quantity of mitigation water offered per WAC 173-539A-060(2)(a)? ✓ yes ____ no (Use the calculator and CU values from WAC 173-539A unless additional specific information is provided by the applicant)
- VII. Has the RDWBN been provided to the Fish Group? ____ yes ✓ no ____ n/a Date ready for fish group: _____
- ☐ Create/include a pdf version of 1) the request, 2) a map, 3) draft WBN determination, and 4) draft HGmemo. And place these 4 pdfs in a new folder located in Sharepoint> WBN Templates and Tools>Fish group pdf's
- Fish group response: _____
- VIII. Has the RDWBN been taken to WTWG? ✓ yes ____ no If yes, date: 7-5-13 [date ready for WTWG: _____]
- WTWG#: 201340; WTWG Response: see minutes
- IX. ☒ Debit TWR (Accounting for *_* mitigation.xlsx) and USBR-Ecology Contract Accounting spreadsheet

Reviewed by KW Recommendation: Approve ✓ Deny ____ or Reject ____ Date 7-30-13



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

July 31, 2013

William Ferry, USBR
Columbia-Cascades Area Office
1917 March Rd
Yakima WA 98901-2058

Re: Assignment of Trust Water Right to USBR-Ecology Contract

Dear Mr. Ferry:

Enclosed are two proposed assignments of trust water right to the USBR-Ecology Exchange Contract (Contract No. 09XX101700).

The attached sheets describe how the assignments meet the terms of the storage contract.

Please call me at (509) 454-4258 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Kemner", is written over a horizontal line.

Mark Kemner, LHG
Section Manager
Water Resources Program/CRO

MK:KW:ss
130735

Enclosures: Proposed Assignment (Exchange Contract)
Copy of No. G4-35584 and G4-35608

FILE COPY

Clennon "Green Area" Exchange Contract Assignment
JABRIDAN LLC
WBN Request No. G4-35608

The Department of Ecology (Ecology) has determined the use of groundwater described below will be water budget neutral with respect to Total Water Supply Available (TWSA). The reach of the Yakima River affected by the groundwater appropriation can be mitigated by release of stored water from a U.S. Bureau of Reclamation (USBR) storage facility upstream from the affected reach. Supplemental consultation under Endangered Species Act (ESA) is, therefore, not required pursuant to Article 18.b of the contract.

1. The groundwater use that will be offset by the trust water right is for domestic supply and 0.011 acres of lawn and garden irrigation. The use of water will be located within SE¼NE¼ of Section 35, T. 20 N., R. 14 E.W.M. (Parcel Nos. 675934, 725934, and 665934). The consumptive water use will be 0.074 acre-feet from April 1 through August 31, and 0.071 acre-feet from September 1 through March 31.
2. The trust water right (No. CS4-01676sb5d@3) was placed into the Trust Water Right Program by Clennon.
3. The Trust Water Agreement between Ecology and Clennon can be found at the following website: http://www.ecy.wa.gov/programs/wr/cro/images/pdfs/clennon_twagree.pdf
4. Ecology assigns 0.089 acre-feet of Trust Water Right Certificate to the USBR-Ecology Exchange Contract (Contract No. 09XX101700) for release from August 1 through March 31. The term of the assignment is from June 14, 2013 to January 29, 2049.
5. The total payment for 36 years, based on the rate of \$22/ac-ft/yr in Article 15.a, is \$70.49.

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